

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**ANTHONY D. CHAPMAN,**

**Plaintiff,**

**v.**

**1:05-cv-1299-WSD**

**SEARS, ROEBUCK and CO.,**

**Defendant.**

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**ORDER**

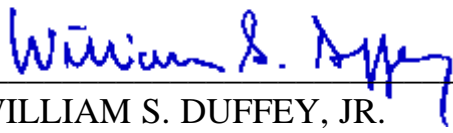
This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Walker [6]. Because no objections to the Report and Recommendation have been filed, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984). After careful review, the Court finds no plain error in the Magistrate Judge's factual or legal conclusions.

Accordingly,

**IT IS HEREBY ORDERED** that the Court **ADOPTS AS ITS ORDER** the Magistrate Judge's Report and Recommendation. Defendant's Motion to Dismiss [2] is **GRANTED IN PART** and **DENIED IN PART**. Defendant's

motion is **GRANTED** as to Plaintiff's federal-law claims for race discrimination and retaliation and these claims are **DISMISSED**. Defendant's motion is **DENIED** as to Plaintiff's state-law claims and these claims are **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED**, this 29th day of December, 2005.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE